

FILED 27 JAN '25 10:13 USDC-ORP

United States District Court
District of Oregon
Eugene Division

Kyle Thomas Coff
Plaintiff

Civil Case No.

6:25-cv-137 SB

vs.

Linn County Circuit Court

42 USC 1983

Oregon State Bar

Ani Yardumian

Jury Trial Demanded

Daniel P Atkinson

Tyler Reid

Rachel Kittson Magatish

Defendants

I. Parties

Plaintiff: Kyle Thomas Coff
1115 Jackson St SE
Albany, OR 97321

Defendant: Ani Yardumian Deputy District Attorney
PO Box 100 Linn County District Attorney
Albany, OR 97321
(541)-967-3836

Defendant 2: Oregon State Bar

Daniel P Atkinson

PO Box 231935

Tigard, Oregon 97281-1935

(503) 620-0222

Defendant 3: Linn County Circuit Court

Rachel Kittson Magatish

PO Box 1749

Albany, OR

97321

Defendant 4: Tyler Reid Linn County Public Defender

221 3rd Ave SW

Albany, OR 97321

(541)-926-1554

II Basis For Jurisdiction

1. Plaintiff brings this lawsuit pursuant to 42 USC § 1983. This court has jurisdiction under 28 USC § 61331 § 1343. Plaintiff also seeks declaratory judgment pursuant to 28 USC § 2201

III Venue

2. The District of Oregon is an appropriate venue under 28 USC § 1391(b)(2) because

a substantial part of the counts or omissions giving rise to the claims occurred in this district.

1. Federal Constitutional Rights at Issue

- A. Amendment V
- B. Amendment VI
- C. Amendment VIII
- D. Amendment XIV

IV Exhaustion of Administrative Remedies

1. Plaintiff sought to exhaust his administrative remedies as required by policy. Grievance was written to OSB and was mailed back a response. Response will be attached to complaint. Plaintiff responded to the response and filed another grievance with OSB. Plaintiff has yet to receive a response from OSB concerning the grieved matters. Sent complaints to Linn County circuit court Judges & DA as well.

V Statement of Claims

Claim I

Plaintiff was subjected to a Due Process Violation

1. On January 17 2024 Ani Yardomian filed a defective accusatory instrument. Prior

Case No: 24CR02973 to this instrument being filed plaintiff was not provided the opportunity of a preliminary hearing or afforded the ability to take part in Grand Jury Proceedings. This infringed on my right to explain or contradict anything that was said. A clear violation of my XIV amendment rights. Due process of law was not served.

2. On March 7th 2024 another indictment was filed by Ani Vardumian. Tyler Reid 24CR12346 had informed me days before the indictment was filed that she planned on doing so. Yet he failed to grant me a preliminary hearing or provide me the opportunity to attend Grand Jury to explain or contradict anything that was said there. Due process of law was not served yet again.

3. On July 9 2024 Ani Vardumian filed more charges against me. Yet again a preliminary hearing was not given to me. Grand Jury has yet to take place so for that I cannot speak on. Another due process violation.

Claim II ~~VI~~ amendment violations

4. On all counts within claim I 1-3 I have been denied life, liberty, and property without due process of law. I have not been provided equal protection of laws because laws have been broken which has resulted in my wrongful detainment based on false claims having been made. This is a form of malicious prosecution where I've been the ~~an~~ target of extortion as well as coercion.
5. At an official court proceeding somewhere between the months of 03/24 and 06/24 Judge Rachel Kittson Magatish conversed with Ms. Yardumian, "An attempted murder? Thats a long stretch" clearly insinuating that the DA was grasping at thin air. Knowing that because I was not given the opportunity at Grand Jury to explain or contradict anything that was said the DA, Ms. Yardumian, got away with trumping up charges against me. All this clearly proving Constitutional violations, might I add that all these events have been

recorded. Ultimately proving on a factual basis the inherent corruption at play within our states justice system.

6. The cases in question listed throughout claim I 1-3 prove these false claims made against me were used as a method of wrongful detainment in less than par average ~~an~~ conditions. Substantive steps were not taken to have committed the alleged crimes. The criteria for what ~~the~~ must have been done was not met whatsoever based on ORS guidelines.

7. All this was done and violated my III amendment right. Preventing me from obtaining a fast and speedy trial based on their false allegations/claims. An attempt at coercing me into a bogus deal.

8. Tyler Reid was supposed to be assisting me with council, however his actions and modus operandi shows

a prejudice against me where he acted as a prosecutor instead of a defender. At our second "attorney" client meet Mr. Reid yelled at me and berated me. At this point he should have withdrawn himself from my case based on conflict of interest. Yet, he proceeded to "act" as my attorney with a prosecutors intent.

9. At an official court proceeding on December 18th 2024 Mr. Reid withdrew himself from ~~counsel~~ in the middle of the proceeding leaving me counselless. At that point the proceeding should have been ended until I was provided with proper legal defense as outlined in GRS guidelines. Ms. Yardomian, Ms. Magalish and Mr. Reid are all educated professionals. They knew that by continuing the proceeding I ^{was being} ~~was~~ put at a severe tactical disadvantage. I only realized this once I got back to the jail and furthered my research in this matter. Another violation of my VI amendment right. Lack of assistance of counsel. This

lack of assistance had started way before this occurrence. In a recorded phone call on or around the months of 11/24 - 12/24 I confronted Tyler Reid about his attempt at illegally sentencing me. His reply was its not an illegal sentencing... We just have to do some legal gymnastics. I then replied so your aware that what your doing is unethical. He had no dignified response to said statement proving his unethical behavior based on a pre existing conflictual disposition between him and I. A clear constitutional violation on many levels.

10. Mr. Reid had also began making deal negotiations prior to an investigation being completed. Another Flag raised proving ineffectiveness of counsel based on some form of malicious intent.

Rights were clearly violated, a quick overview of recorded court proceedings and telephone calls clearly prove these claims. The facts do not lie.

Claim III ~~VIII~~ amendment violation Excessive Wait and Cruel and Unusual Punishment

11. I asked Mr. Reid in the months of March or April about obtaining a bail reduction based on the excessiveness which had been exhibited towards me. A 300,000.00 bail amount is an impossible figure for me based on my financial prowess entirely. Mr. Reid said Ani Yardumian said to him she would not ~~be~~ willing to negotiate deals if a bail reduction was asked for. Clearly a coercive tactic, especially factualized when referring to the court proceeding listed in Claim II #5.
12. At the official court proceeding on December 18th 2024 I made it clear to Ms. Magrath that I had been denied a bail reduction, clearly a reduction is within my rights based solely on the bail reform act. At that point a retaliatory action/response was taken and a no bail amount was set.

13. Since being wrongfully imprisoned I've been quartered in a cell for upwards of 20+ hours a day. At one point I was locked in a cell for over 60 days straight with no access to outdoor exercise. I was only allowed out into the blocks day room for 1 hour besides the 15 minute intervals to consume meals. I find this to be cruel and unusual especially when my privileges and immunities had been infringed upon.

[REDACTED] Claim IV XIV amendment violations

14. OSB was notified of the constitutional violations occurring around November. I received a ~~response~~ back from Daniel P ATKINSON. totally ignoring the apparent negligence being exhibited towards me. It seemed a form of severe prejudiced was at play.
15. The alleged victim in my case Bethany A ATKINSON I believe to be related to Daniel P ATKINSON, hence the severe prejudiced. This leads me to believe that is why my initial letter

to the OSB was overlooked, or looked at with severe prejudice.

16. Bethany A ATKINSON also used to work for the Sheriff's department in the billing department. I believe that Mrs. Atkinson had previously signed paychecks for the officers involved in my cases.

17. Due to these circumstances it is clear that my rights have been denied. That a deliberate indifference was shown towards me.

18. A discovery for my cases was not provided to me for a total of 9 months. I asked Tyler Reid why this was. His response was its because it hasn't been redacted. Having been unable to exonerate for 9 months whilst being pressured/coerced into taking a deal is clearly a direct constitutional violation of my rights having been denied. My equal protection of the laws has been infringed upon.

Claims Conclusion

16. Due to Bethany Atkinsons relation to the higher ups within the justice systems entity my constitutional rights have been severely violated on many different levels.
17. Bethany Atkinson's relation to the sherriffs department clearly substantiates a pre existing prejudice towards me. Hence why false claims and wrongful imprisonment were enacted on me. Plus all the other clear constitutional violations at work. clearly outlined in claims I through IV.
18. I am a citizen of the United States with moralistic values. I am not a criminal. My record is fairly clean. I've not once ever been convicted of a felony. I only rank a H on the crime seriousness scale.
19. There are no secure affidavits in these cases as well. The entirety of these events are highly suspect due to the facts I've provided which are easily substantiated. I believe this is called a Smoking Gun.

20. I believe that all defendants worked in conjunction with one another and are responsible for these injustices outlined throughout all the claims listed in this instrument. This constitutes that a conspiracy was engaged in by these parties.

Pro SE Litigant Requests

21. That if any part of complaint needs be amended that I have the opportunity to do so prior to a premature dismissal.

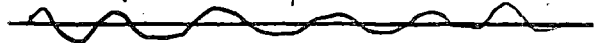
22. That this lawsuit be taken seriously, that a prejudice is not shown due to potential biases that proper liberty and justice may be invoked to ensure the constitutional soundness created by our forefathers.

Prayer For Relief

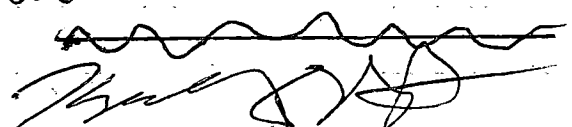
Wherefore, Plaintiff respectfully prays that this Court:

- A. Declare that the acts and omissions describe herein violated Plaintiffs rights under the constitution and laws of the United States.
- B. Order Defendants to pay compensatory and punitive damages.
- C. Order Defendants to pay reasonable attorney fees and costs; and
- D. Grant other just and equitable relief that this Honorable Court deems necessary.

Respectfully Submitted,


Kyle Thomas Croff
Linn County Sheriffs Correctional Facility
1115 Jackson St SE
Albany, OR 97322

Pursuant to 28 USC § 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 14th 2025



Oregon State Bar

November 18, 2024

Kyle T. Croff
Linn County Jail
1115 SE Jackson Street
Albany, OR 97321

Subject: DPA 2401534

Ani Yardumian (Kyle T. Croff)

Dear Kyle Croff:

The Oregon State Bar Intake and Client Assistance Office (CAO) has received your correspondence inquiring about the conduct of prosecutor Ani Yardumian. The CAO is responsible for reviewing concerns regarding lawyers in Oregon. Under Oregon State Bar Rule of Procedure 2.5 and as resources permit, CAO determines the manner and extent of review required to decide whether the evidence submitted is sufficient to support a reasonable belief that lawyer misconduct may have occurred warranting a referral to Oregon State Bar Disciplinary Counsel for further evaluation and potential regulatory action. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

Ms. Yardumian is prosecuting charges against you. You expressed concerns with several actions and legal positions taken by Ms. Yardumian, as well as other issues in your case that you contend are constitutional violations. Having reviewed all the relevant information submitted, I conclude that there is no sufficient basis to warrant a referral to Disciplinary Counsel. Most of your concerns are legal issues properly addressed to the court. It is not the role of our lawyer disciplinary process to evaluate the constitutional sufficiency of, for example, any *Miranda* warning you may or may not have received, or the procedural soundness of your indictment. To the extent that your concerns relate directly to specific conduct by Ms. Yardumian, those actions do not implicate our rules of conduct. For example, you allege that Ms. Yardumian told your lawyer she would not make any plea offers if you sought a bail reduction. There is nothing in our rules of conduct prohibiting this; she has no obligation to make a plea offer at all.

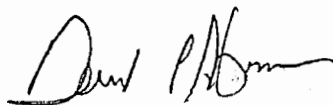
Because we find no sufficient evidence of professional misconduct, we will take no further action on this matter. If you disagree with this disposition, you may have the matter

Kyle T. Croff

Page 2

reviewed by General Counsel, provided we receive your request for review in writing no later than December 9, 2024. The decision of General Counsel is final.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel P. Atkinson", written in a cursive style.

Daniel P. Atkinson
Assistant General Counsel
Ext. 336

DPA/jmm

No attachment

cc w/ attach: Ani Yardumian

02h

Email submissions to: cao@osbar.org

Use subject line: DPA 2401534

Notice of Constitutional TORT

TO: State of Oregon's Group of Employees
Rachel Kittson Magatish - Linn County Judge
Ani Yardumian - Linn County Deputy District Attorney
Tyler Reid - Linn County Public Defender
Daniel P Atkinson - OSB Assistant General Counsel

I Kyle Thomas Croff give notice of Constitutional Tort. The incidents occurred between the dates of February 24th 2024 and currently. My constitutional rights have been denied or abridged, my privileges and immunities infringed upon, and my emotional, psychological, and spiritual health completely disregarded with malicious intent. Malicious prosecution has been enacted and all sorts of constitutional violations took place. This is due to pure negligence, pure dereliction of duty, Pure Malfeasance & also severe prejudiced shown based on the parties involved in this case. Oregon state employees are in a direct position to uphold and enforce the LAW, Policies and Procedures, and therefore should not be allowed to break them.

I am exercising my right under constitutional law that a real solution to these injustices be orchestrated. That the divine precepts of our forefathers be instilled and enforced. That these forms of corruption be addressed appropriately that damages due to wrongful imprisonment be attained and injunctive relief be administered to not only right the current wrongs but prevent further injustice from scourging our great nation.

I'm very concerned about my life, liberty, freedom and justice, at this point I believe I have no choice but to file a Constitutional Text Notice of Intent.

I am submitting this in a timely manner. I declare the foregoing is true & correct to the best of my knowledge.

Case Nos:

24CR02973

24CR12346

23-3561

Signature of Claimant

DOB 07-11-1990

Current Address Linn County Jail

1115 Jackson St SE

Albany, OR 97322

01-19-2025

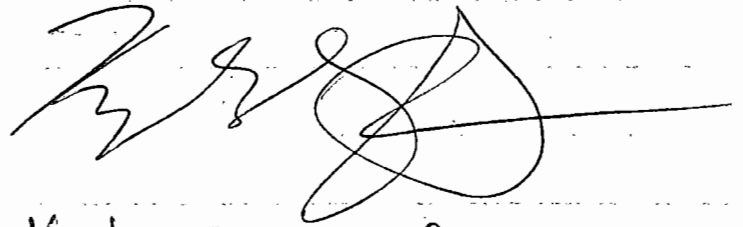
January-19-2025

AFFIDAVIT of SERVICE

I hereby serve this notice of intent / Notice of constitutional tort to the State of Oregon's group of employees in their single and official capacities. By placing it in a pre stamped envelope addressed to each party Rachel Kittson Magatish - Linn County Judge Ani Yardumian - Deputy District Attorney Tyler Reid - Public Defender Daniel P Atkinson - OSB Assistant General Counsel

Then handing the sealed envelope clearly marked "Legal Mail," & "OFFICIAL CORRESPONDENCE" to a Linn County Deputy to be placed in mail by the U.S. Postal Service to the directed parties listed above.

Mailed on this 19th day of January 2025

A handwritten signature in black ink, appearing to read 'Kyle Thomas Croff', with a large, stylized circular flourish at the end.

Kyle Thomas Croff
1115 Jackson St SE
Albany, OREGON 97322